

## **REMARKS**

The Office Action dated May 29, 2008 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-36 currently pending, including independent claims 1, 11, 18, 28, and 35-36. Specifically, Applicants here amend claims 1-34 and add new claims 35-36 to more particularly point out and distinctly claim the subject matter of the present application. It is respectfully submitted that the amendments add no new subject matter to the present application and serve only to place the present application in better condition for examination. It is believed that all grounds for rejection in the Office Action are currently addressed and that the present application is currently in condition for reconsideration in view of the amendments and the following comments. Entry of the amendments and reconsideration of claims 1-36 are therefore respectfully requested.

### **Rejection under 35 U.S.C. §112, Second Paragraph**

Claims 5 and 22 were rejected under 35 U.S.C. §112, second paragraph due to alleged informality concerns. In response, Applicants have amended these claims to address the concerns raised in the Office Action. Accordingly, Applicants urge that this basis for rejection is now moot in view of these amendments to claims 5 and 22, and this rejection should be withdrawn. Reconsideration and allowance of claims 5-22 are respectfully requested.

### Rejection under 35 U.S.C. §112, First Paragraph

Claims 9, 17, 26, and 34 are rejected under 35 U.S.C. 112, first paragraph as allegedly failing to comply the enablement requirements. The Office Action stated on page 2 that the limitation of “the network gateway element is ... a gateway GPRS support node (GGSN)” is not described in the specification. However, Applicants respectfully submit that the Office Action has not made a proper enablement rejection. The Office Action appears to refer to the embodiments depicted FIGS. 1 and 2 to allege that the GGSN does not perform the recited steps, because these drawings depict the recited steps being performed by a SGSN.

Applicants respectfully urge that this rejection is legally improper. As an initial note, FIGS. 1 and 2 are merely illustrative and not meant to limit the scope of the claims. Also, Applicants urge that the specification is enabling with respect to the claimed invention. For example, the originally filed application contained express support for this limitation in the original claims and at lines 26-29 of page 3 and at lines 27-30 of page 4. Applicants further note that it would be well within the skills of an ordinary communications engineer to adapt a GGSN to perform the recited steps without undue experimentation.

Under MPEP § 2164, “the enablement requirement refers to the requirement of 35 U.S.C. 112, first paragraph that the specification describe how to make and how to use the invention.” “[I]t has been interpreted to require that the claimed invention be enabled so that any person skilled in the art can make and use the invention without **undue experimentation**” (MPEP § 2164.01, emphasis added). However, even were the claimed

features not consistent with disclosure of FIGS. 1 and 2, the Office Action has not addressed the required test for enablement.

Furthermore, there is no evidence in the record that the Office Action considered the factors associated with undue experimentation. These factors include, but are not limited to:

- (A) The breadth of the claims;
- (B) The nature of the invention;
- (C) The state of the prior art;
- (D) The level of one of ordinary skill;
- (E) The level of predictability in the art;
- (F) The amount of direction provided by the inventor;
- (G) The existence of working examples; and
- (H) The quantity of experimentation needed to make or use the invention based on the content of the disclosure.

(MPEP § 2164.01(a)). “The examiner’s analysis must consider all the evidence related to each of these factors, and any conclusion of nonenablement must be based on the evidence as a whole” (*Id.*).

For at least these reasons, this rejection is legally and technically improper and should be withdrawn. Reconsideration and allowance of claims 9, 17, 26, and 34 are respectfully requested.

#### Rejection under 35 U.S.C. 102(e)

Claims 1-10 and 18-27 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,628,954 (McGowan). As described below, this rejection should be withdrawn because McGowan fails to disclose each and every limitation recited in these

claims. Reconsideration and allowance of claims 1-10 and 18-27 are respectfully requested.

Independent claim 1, from which claims 2-10 depend, relates to a method comprising receiving a connection context request to establish a connection between a mobile station and a gateway element of a network. It is then determined whether binding information is required and whether the binding information was supplied with the connection context request. When the binding information is required and was not supplied, the request is responded to on the basis of a policy determined by the operator of the network.

Independent claim 18, from which claims 19-27 depend, relates to an apparatus, a configured to receive a connection context request from a mobile station. The apparatus is further configured to determine whether binding information is required and to determine whether binding information was supplied with the connection context request. When the binding information is required and was not supplied, the apparatus is further configured to respond to the request on the basis of a policy determined by the operator of the network.

As described below, McGowan does not disclose all of the limitations in any of the pending independent claims presented above.

McGowan discloses an improved method and system for accessing wireless data services and in particular pre-paid services. Specifically, McGowan relates to accessing wireless data services while reducing messaging and enabling roaming subscribers to access data services are described. A wireless communication system in McGowan

includes at least a service control point and a gateway system (e.g., a Gateway Generalized Packet Radio Service Serving Node (GGSN)) that is coupled to a data network. To obtain access to data services, a wireless subscriber unit establishes in McGowan communication with a gateway system and requests data services from the gateway system. In response to the request, the gateway system queries the service control point regarding authorized data services for the subscriber unit. If the gateway system receives a negative reply from the service control point, then the gateway system denies access to the data services by the subscriber Unit. However, if the gateway system in McGowan receives a positive reply from the service control point, then the gateway system enables access to the data services by the subscriber unit.

In one embodiment of McGowan, the gateway system tracks the requested data services utilizing pre-defined resource units. In another embodiment of McGowan, the gateway system tracks service utilization by periodically querying and receiving a reply from the service control point after each pre-defined resource unit has been utilized. Thus, the service control point updates an account balance of remaining resource units in response to receiving the queries and informs the gateway system when data access should be denied.

However, referring to claim 1, Applicants urge that McGowan does not discuss nor teach the limitation of determining whether binding information is required. Although the McGowan does disclose a GGSN which determines whether or not pre-paid data services are required, there is no discussion in this reference regarding whether binding information is required as discussed within the present application.

In contrast, as disclosed in the present application at page 8, lines 25 to 29, the GGSN ascertains whether binding information is required by looking at the access point name provided in the PDP context request and comparing it to a list of APMs that require authorization. McGowan does not carry out such a step but instead simply determines whether or not authorization has occurred. Thus, McGowan does not determine whether binding information is required and, in other words, does not detect whether or not authorization is required or not. Instead, the disclosure in McGowan only relates to determining whether the authorization was successful or not.

For at least these reasons, claim 1 is allowable over McGowan that fails to disclose every limitation recited therein. Similarly, claim 18 recites similar limitations related to determining whether binding information is required, and is thus also allowable over McGowan on similar grounds. Claims 2-10 and claims 19-27 depend, respectively, from claims 1 and 18, and should also be allowed on similar basis, as well as for the separate limitations recited in these claims. Reconsideration and allowance of claims 1-10 and 18-27 are therefore respectfully requested. Likewise, new claim 35 is similarly allowable over McGowan.

Claims 11-17 and 28-32 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2004-0153551 (Haumont). As described below, this rejection should be withdrawn because Haumont fails to disclose each and every limitation recited in these claims. Reconsideration and allowance of claims 11-17 and 28-32 are respectfully requested.



As an initial matter, Applicant note that the Office Action at section 6 at page 11 indicates that only claims 11-17 and 28-32 are rejected in view of Haumont. Therefore claims 33 and 34 are not rejected and are presumably allowable. Furthermore, if these claims are rejected in a subsequent Action, this rejection must be non-final since it would not be “necessitated” by the present amendments (MPEP §706.07(c)).

Independent claim 11, from which claims 12-17 depend, relates to a method comprising receiving a connection context request to establish a connection between a mobile station and a network gateway element, the connection context request comprising binding information and traffic flow parameters, the traffic flow parameters being indicative of intended packet filtering. An authorization request is sent from the network gateway element to a network policy control element. A packet classifier is received from the policy control element in response to the authorization request, the packet classifier being configured for use by the gateway element. The network gateway determines whether a conflict exists between attribute values of the traffic flow parameters and attribute values of the packet classifier. When there is a conflict, the mobile station is informed.

Independent claim 28, from which claims 29-34 depend, relates to an apparatus configured to receive a connection context request from a mobile station, the connection context request comprising binding information and traffic flow parameters, the traffic flow parameters being indicative of intended packet filtering. The apparatus of claim 29 is further configured to send an authorization request from the apparatus to a network policy control element. The apparatus is also configured to receive a packet classifier

from the policy control element in response to the authorization request, the packet classifier being intended for use by the gateway element. The apparatus further determines whether a conflict exists between attribute values of the traffic flow parameters and attribute values of the packet classifier, and when there is a conflict, the apparatus informs the mobile station.

Haumont relates to routing packets belonging to different quality of service flows in a packet data network system. For each application initiated by a subscriber equipment with an associated quality of service flow in a multi-session connection settings of a network node hosting the application are obtained. From the obtained settings configuration information are determined and packets are routed from the network system to the subscriber equipment for each initiated application in accordance with the configuration information.

For example, in the cited disclosure identified in the Office Action, Haumont discloses a GGSN and configuration server arrangement, but only discloses that the configuration device (also described as the configuration server or policy server) determines whether or not it can configure the parameters set by the application directly. If not, the device in Haumont requests further information from the user equipment. Thus, there is no explicit disclosure in Haumont of determining in the network gateway (or apparatus or processor) whether a conflict exists between the attribute values of the traffic flow template and attribute values of the packet classifier, as recited in claim 11.

There is, furthermore, no clear and unambiguous disclosure within Haumont of determining even within the policy configuration device whether a conflict exists between



the attribute values of the traffic flow template and packet classifier. Instead, Haumont only discloses that when the configuration device cannot configure the parameters set by the application directly, the configuration device attempts to obtain further settings.

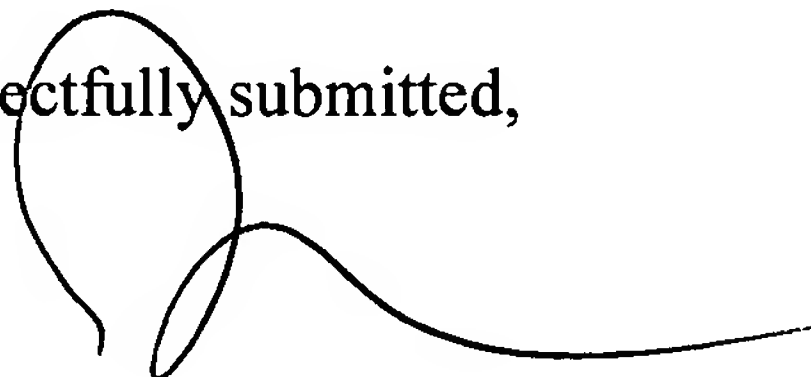
For at least these reasons, claim 11 is allowable over Haumont that fails to disclose every limitation recited therein. Similarly, claim 28, although patentably distinct and separately rejected, also recites similar limitations, and is thus also allowable over Haumont on similar grounds. Claims 12-17 and claims 29-34 depend, respectively, from claims 11 and 28, and should also be allowed on similar basis, as well as for the separate limitations recited in this claims. Reconsideration and allowance of claims 11-17 and 28-32 are therefore respectfully requested. Likewise, new claim 36 is similarly allowable over Haumont.

In conclusion, as discussed above, each of the pending claims now recites subject matter which is neither disclosed nor suggested in the cited prior art references. Applicants submit that the recited subject matter is more than sufficient to render the recited embodiments of the present invention non-obvious to a person of ordinary skill in the technical art of telecommunications. It is respectfully requested that claims 1-36 be allowed in view of the above arguments, comments, and remarks and the application padded to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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David D. Nelson  
Registration No. 47,818

**Customer No. 32294**  
**SQUIRE, SANDERS & DEMPSEY LLP**  
14<sup>TH</sup> Floor  
8000 Towers Crescent Drive  
Vienna, Virginia 22182-6212  
Telephone: 703-720-7800  
Fax: 703-720-7802

DDN/dc

Enclosures: Additional Claims Transmittal  
Check No. 19496